

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Dkt. No. 08 Cr. 242 (SAS)

NOTICE OF MOTION

-v-

MIGUEL HINOJOZA-QUINONES,

Defendant.

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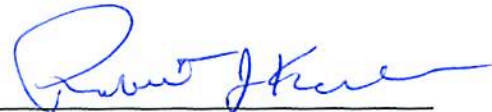
PLEASE TAKE NOTICE, that upon the annexed declaration of ROBERT J. KRAKOW, duly sworn to on the 18th day of July, 2008, the annexed declaration of MIGUEL HINOJOZA-QUINONES, the indictment, the complaint, the annexed exhibits, the accompanying Memorandum of Law and all other proceedings heretofore had herein, the defendant MIGUEL HINOJOZA-QUINONES, will move this Court before the Honorable Shira Scheindlin in the United States District Court, Southern District of New York, on a date to be set by the Court, for the following relief:

1. Suppression of an oral statement or statements by defendant MIGUEL HINOJOZA-QUINONES to government agents on the ground of the involuntary character of the statement, and/or on the ground of the failure of the government to properly advise Mr. HINOJOZA-QUINONES of his rights, pursuant to Miranda v. Arizona, 384 U.S. 436 (1966) or, alternatively, the holding of an evidentiary hearing to ascertain the facts and circumstances with respect thereto;
2. Suppression of physical evidence, to wit, a cell phone, its content, data, a bag, narcotics and other material, seized from MIGUEL HINOJOZA-QUINONES on the ground that the consent to search and seize this evidence violated the Fourth Amendment to the Constitution of the United States;

3. Pursuant to 404(b) of the Federal Rules of Evidence, requiring the Government to give sufficiently early notice of its intention to use evidence of other crimes, wrongs, or bad acts of defendant MIGUEL HINOJOZA-QUINONES and of the general nature of any such evidence it intends to introduce at trial;
4. Requiring the government to provide immediate Disclosure of exculpatory material and information pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and impeachment material relating to government witnesses pursuant to Giglio v. United States, 405 U.S. 150 (1972) and the Due Process Clause of the United States Constitution;;
5. Leave to file additional motions, if necessary;
6. For such other and further relief as to this Court may seem just and proper.

Dated: New York, New York  
July 18, 2008

Respectfully submitted,



ROBERT J. KRAKOW (1352)  
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TO: (Via ECF)

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New York, New York 10007

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Attn.: A.U.S.A. John Cronan